

United States Courts  
Southern District of Texas  
FILED

APR - 5 2005

Michael N. Milby, Clerk of Court

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
ENTERED

APR - 6 2005

Michael N. Milby, Clerk

UNITED STATES OF AMERICA

VS.

JOSEPHINE LEANNE TAYLOR

§  
§  
§  
§  
§

CRIMINAL NO. G-05-02 (01)

**REPORT AND RECOMMENDATION**

Before this Court, by Order of Designation dated January 18, 2005, pursuant to 28 U.S.C. § 636(b), is the matter of the re-arraignment of **Josephine Leanne Taylor**, a named Defendant in the above-styled and numbered cause. The Court, having addressed the Defendant personally in open Court, now submits its Report and Recommendation to the District Court.

On April 2, 2005, Defendant **Josephine Leanne Taylor** appeared with counsel before this Court for the purpose of entering a guilty plea to Count 1 of the Indictment filed in this cause charging that **Josephine Leanne Taylor** did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with Tyrus George, Nelson Stephens, Ronald Lymuel and others to possess with the intent to distribute 50 grams or more, to wit: at least 50 grams but less than 150 grams, of a mixture or substance containing a detectable amount of cocaine base, a Schedule II Controlled Substance, in violation of Title 21 United States Code § 841(a)(1) and 841(b)(1)(B)(iii) and Title 18 U.S.C. § 2.

The Defendant, **Josephine Leanne Taylor**, signed a written consent to plead before a United States Magistrate Judge. After conducting said proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this Court makes the following findings of fact:

1. That the Defendant, **Josephine Leanne Taylor**, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of her rights and to enter her plea of guilty before a United States Magistrate Judge subject to final approval and imposition of sentence by the United States District Court;
2. That the Defendant, **Josephine Leanne Taylor**, is fully competent and capable of entering an informed plea, that she is aware of the nature of the charge and the consequence of her plea, and that her plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense as charged in Count 2 of the Indictment.

Based upon the foregoing findings, it is the **RECOMMENDATION** of this Court that the guilty plea of Defendant **Josephine Leanne Taylor** to Count 1 of the Indictment in this cause be **ACCEPTED** by the District Court and that **Josephine Leanne Taylor** be adjudged guilty of the offense alleged in Count 1 of the Indictment, to-wit: unlawfully, knowingly and intentionally combining, conspiring, confederating and agreeing with Tyrus George, Nelson Stephens, Ronald Lymuel and others to possess with the intent to distribute 50 grams or more, to wit: at least 50 grams but less than 150 grams, of a mixture or substance containing a detectable amount of cocaine base, a Schedule II Controlled Substance, in violation of Title 21 United States Code § 841(a)(1) and 841(b)(1)(B)(iii) and Title 18 U.S.C. § 2.

The United States District Clerk **SHALL** personally serve a copy of this Report and Recommendation on each counsel of record and the Defendant who **SHALL** acknowledge receipt of same in writing. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections **within ten (10) days** after being served with a copy unless the time period is modified by the District Court. A party filing objections must

specifically identify those findings, conclusions or recommendations to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party **SHALL** file the objections with the Clerk of the Court and serve the objections on the Magistrate Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendations contained in this report **SHALL** bar the party from a *de novo* determination by the District Court. Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation contained in this report **within ten (10) days** after being served with a copy **SHALL** bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Court, except upon grounds of plain error or manifest injustice.

**DONE** at Galveston, Texas, this 5<sup>th</sup> day of April, 2005.

  
\_\_\_\_\_  
JOHN R. FROESCHNER  
UNITED STATES MAGISTRATE JUDGE